

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 WILLIAM V. LANGFITT III, individually,
10 and as executor of the Estate of the William
V. Langfitt, IV, and PATRICIA E.
11 LANGFITT, individually,

Plaintiffs,

12 vs.

13 PIERCE COUNTY, COLBY EDWARDS and
"JANE DOE" EDWARDS,

14 Defendants.

NO. 3:21-cv-05122-BHS

DEFENDANTS PIERCE COUNTY AND
DEPUTY EDWARD'S ANSWER AND
AFFIRMATIVE DEFENSES

15 I. ANSWER

16 COME NOW Defendants Pierce County and Deputy Colby Edwards (hereinafter
17 "Defendants Pierce County"), by and through their attorneys of record, Mary E. Robnett, Pierce
18 County Prosecuting Attorney, Daniel R. Hamilton and Kristal Cowger, Deputy Prosecuting
19 Attorneys, and make the following Answer to Plaintiffs' Complaint for Damages Under 42 USC
20 §1983. Defendants deny each and every allegation of Plaintiffs' Complaint not specifically
21 admitted to herein.

22 1. In answer to the allegations contained in paragraphs 1.1 and 5.1-5.6 of Plaintiffs'
23 Complaint, said paragraphs contain legal argument requiring no answer. To the extent an answer
24 is required, Defendants deny the allegations contained in paragraphs 1.1 and 5.1-5.6.

1 2. In answer to the allegations contained in paragraph 2.1-2.2, 4.3[b], and 4.16-4.19 of
2 Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a
3 belief in the truth of those averments and therefore deny the same.

4 3. In answer to the allegations contained in paragraph 2.3 of Plaintiffs' Complaint, Defendants
5 admit Pierce County is a municipality within the State of Washington and employed the
6 Pierce County Sheriff's deputies that responded to the March 16, 2018 incident involving
7 William V. Langfitt, IV (hereinafter "Langfitt"), and that Deputy Colby Edwards had been one
8 of the deputies involved in a previous shooting a year before. Defendants deny each and every
9 remaining allegation contained therein and not admitted herein as true.

10 4. In answer to the allegations contained in paragraphs 2.5 [sic], 4.2, 4.7 and 4.15 of
11 Plaintiffs' Complaint, Defendants admit the same.

12 5. In answer to the allegation contained in paragraph 3.1 of Plaintiffs' Complaint, Defendants
13 admit jurisdiction is proper in this Court under 28 USC §1331 and 1343, but affirmatively
14 assert that the remainder of that paragraph contains legal argument requiring no answer. To the
15 extent an answer is required, Defendants deny the same.

16 6. In answer to the allegations contained in paragraph 3.2 of Plaintiffs' Complaint, Defendants
17 admit venue is proper in this Court, but deny each and every remaining allegation contained
18 therein and not admitted herein as true.

19 7. In answer to the allegations contained in paragraph 4.1 of Plaintiffs' Complaint, Defendants
20 admit that on March 16, 2018, Mr. Langfitt was shot by Pierce County Sheriff Deputy
21 Colby Edwards and affirmatively state the Deputy did so because he reasonably believed Mr.
22 Langfitt posed a significant and immediate threat of death or serious physical injury to the
23 deputy and others.

24 8. In answer to the allegations contained in paragraph 4.3[a] of Plaintiffs' Complaint, these

1 answering Defendants admit Mr. Langfitt died as the result of being shot by Deputy Edwards.
2 Defendants deny Mr. Langfitt was unarmed at the time of the shooting and affirmatively assert
3 that, before he attempted to steal a patrol car in which a knife and loaded assault rifle was within
4 his reach, the Deputy and others at the scene reported Mr. Langfitt appeared to have been armed
5 with a knife, or something resembling the same, and was holding it as one might a weapon while
6 he sprinted toward the deputy.

7 9. In answer to the allegations contained in paragraph 4.4 [sic] of Plaintiffs' Complaint,
8 Defendants admit Naomi Powers called 911 and told dispatch she had a "mentally ill friend that
9 needs some assistance," that "he's literally flipping" and climbing out of her vehicle. Defendants
10 affirmatively assert 911 then heard her yelling for Mr. Langfitt to "stop scaring people" and
11 repeatedly screaming for him to "let go of me" and "leave me alone" as he had "ripped all his
12 clothes and stuff off, pushed me to the ground," as well as reported he had a knife but she had
13 taken it away, that he was trying to jump into passing vehicles and "jumping on people's cars,"
14 and then was pulling on her own car when the Deputy arrived. Defendants deny each and every
15 allegation of Plaintiffs' Complaint not specifically admitted to herein.

16 10. In answer to the allegations contained in paragraph 4.6 [sic] of Plaintiffs' Complaint,
17 Defendants admit Ms. Powers reported Mr. Langfitt had on shorts, a tee-shirt and socks, but
18 deny she reported he was barefoot or that he was" holding nothing but a picture of his
19 grandfather."

20 11. In answer to the allegations contained in paragraph 4.8 [sic] of Plaintiffs' Complaint,
21 Defendants admit Deputy Edwards arrived on the scene in response to Ms. Power's 911 call for
22 help. Defendants deny he then "flung his door open and immediately drew his firearm."
23 Defendants affirmatively state instead that when the Deputy arrived it was dark and when he
24 trained a spotlight on Mr. Langfitt, the suspect immediately sprinted toward the unit requiring the

1 Deputy in less than 10 seconds to immediately unfasten his seatbelt, try to quickly get out of the
2 running car, back-peddled away as Langfitt sprinted directly to him while seemingly brandishing
3 in his hand what was feared to be a weapon, draw his gun while yelling “get back,” and just as
4 the Deputy was able to level his weapon at Mr. Langfitt when the latter had gotten within only a
5 few feet of the Deputy, and finally fire when he observed his assailant suddenly turn and jump
6 into the running patrol car where a knife and fully loaded assault rifle were within his reach.

7 12. In answer to the allegations contained in paragraph 4.9 [sic] of Plaintiffs' Complaint,
8 Defendants deny that in the less than 10 seconds Deputy Edwards had between the time Langfitt
9 began sprinting toward him to the time jumped into the running patrol cruiser, there was any
10 time to “attempt to negotiate or de-escalate the situation with” Mr. Langfitt other than to create
11 distance and call for him to “get back” as the latter ignored his commands. Defendants deny
12 each and every allegation of Plaintiffs' Complaint not specifically admitted to herein.

13 13. In answer to the allegations contained in paragraph 4.12 [sic] Plaintiffs' Complaint, these
14 answering Defendants admit Deputy Edwards trained his gun on Mr. Langfitt in the seconds
15 before he fired in order to protect himself and others nearby from Mr. Langfitt.

16 14. In answer to the allegations contained in paragraph 4.13 of Plaintiffs' Complaint, Defendants
17 admit Ms. Powers could see where Deputy Edwards was located at the time he began to
18 shoot and affirmatively assert she at that time told 911 Mr. Langfitt had “jumped into the
19 sheriff's car as the sheriff was pulled up -- pulling up,” and “literally dove into the driver's seat of
20 the car” and only then was shot.

21 15. In answer to the allegations contained in paragraph 4.10 of Plaintiffs' Complaint, Defendants
22 admit no one heard Mr. Langfitt make a “verbal threat” but deny the latter did not make
23 “physical threats” by sprinting in the dark threateningly toward the Deputy with an unknown
24 object in his hand and then jumping into a running police car wherein he had access to a knife

1 and a loaded assault rifle. Defendants further affirmatively state a nearby eyewitness recounted
2 that same evening: "I saw the guy coming at the, at the Sheriff, he was runnin' at the Sheriff',
3 and between his hands and his clothes and everything goin' on, you couldn't see what the heck
4 he was doing. But it looked like he was coming at the Sheriff, and he got a knife, somethin'. I
5 couldn't tell what the hell he had in his hands. But I looked back at the Sheriff, expecting him to
6 shoot. He didn't shoot, and the guy keeps comin', and the guy keeps comin'. So I didn't know
7 what the hell I was gonna see go on. The Sheriff starts talkin' to him and he backs up, he's
8 actually backing towards my vehicle. And instead of going, continuing to go at the Sheriff, the
9 guy dodges into the vehicle. And at that split second is when the shooting started. So I was really
10 amazed that he didn't start shooting the second the guy started running at him."

11 **II. AFFIRMATIVE AND OTHER DEFENSES**

12 **FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES, AND**
13 **ALL OTHER MATTERS OF AVOIDANCE, DEFENDANTS PIERCE COUNTY**
14 **ALLEGES AS FOLLOWS:**

- 15 1. **FAILURE TO STATE A CLAIM:** Plaintiffs have failed to state a claim upon which
relief may be granted.
- 16 2. **QUALIFIED IMMUNITY:** Defendants are entitled to qualified immunity as to both
state and federal claims of Plaintiffs.
- 17 3. **STATUTE OF LIMITATIONS:** Plaintiffs' claims are barred by the statute of limitations.
- 18 4. **REASONABLE AND LAWFUL FORCE:** Any force utilized by these answering
Defendants was reasonable, necessary and lawful under the circumstances.
- 19 5. **MITIGATION OF DAMAGES:** Recovery of injuries and damage suffered by Plaintiffs
as an alleged result of negligence by Pierce County is barred or mitigated by Plaintiffs'
failure to mitigate said damages.
- 20 6. **LACHES:** Any recovery by Plaintiffs is barred by reason of laches.
- 21 7. **INTOXICATION:** The injuries and damages, if any, claimed by Plaintiffs were

1 proximately caused or contributed to by the intoxication of the decedent.

2 8. COMPARATIVE FAULT: The injuries and damages claimed by Plaintiffs were
3 proximately caused or contributed to by the negligence and/or fault of the decedent.
4 9. ACTION OF PERSON COMMITTING A FELONY: Plaintiffs' alleged injuries and the
5 claimed wrongful death of decedent were proximately caused by the decedent while
6 engaged in the commission of a felony at the time of occurrence. RCW 4.24.420.

7 **III. PRAYER FOR RELIEF**

8 **WHEREFORE**, having fully answered Plaintiffs' said Complaint, Defendants Pierce
County, pray the Court for the following relief:

9 1. That Plaintiffs' Complaint be dismissed with prejudice;
10 2. That Defendants Pierce County be awarded their costs and reasonable attorney
fees incurred herein;
11 3. That Defendants Pierce County be allowed to reserve the right to amend this
12 Answer to assert such cross-claims, counterclaims, and/or third party claims as during the course
13 of discovery herein becomes proper;
14 4. For such other and further relief as may appear just and equitable in the premises.

15 DATED this 30th day of March, 2021.

16 MARY E. ROBNETT
Prosecuting Attorney

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2 **CERTIFICATE OF SERVICE**

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4 On March 30, 2021, I hereby certify that I electronically filed the foregoing
5 DEFENDANTS PIERCE COUNTY'S ANSWER AND AFFIRMATIVE DEFENSES with the
6 Clerk of the Court using the CM/ECF system which will send notification of such filing to the
7 following:

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